

REMARKS

Favorable reconsideration of this application is respectfully requested in view of the following remarks.

The undersigned counsel for Applicants wishes to express her gratitude to Examiner Vu for the courtesies extended during the telephone interview conducted on January 21, 2009. During the interview, the Examiner expressed her concern over the use of means plus function language in the claims, i.e., " means for selecting a temporary separation mode." The Examiner suggested amending the claims to eliminate the means plus function language and to recite the structure which performs the function in order to provide a clearer understanding of the invention.

Applicants respectfully submit that the use of means plus function limitations as set forth above define properly presented claims under current U.S. practice, and Applicants thus refrain from reciting any specific structure as suggested by the Examiner in order to avoid unduly limiting the claimed invention.

35 U.S.C. § 112, sixth paragraph states that a claim limitation expressed in means-plus-function language "shall be construed to cover the corresponding structure described in the specification and equivalents thereof." *In re Donaldson Co.*, 16 F.3d 1189, 1195, 29 USPQ2d 1845, 1850 (Fed. Cir. 1994) (in banc). Moreover, the specification need not describe the equivalents of the structures, material, or acts corresponding to the means- (or step-) plus-function claim element. See *In re Noll*, 545 F.2d 141, 149-50, 191 USPQ 721, 727 (CCPA 1976) ("The meaning of 'equivalents' is well understood in patent law, and an applicant need not describe in his specification the full range of equivalents of his invention.") (citation omitted). A patent specification need not teach, and preferably omits, what is well

known in the art. See, *Hybritech Inc. v. Monoclonal Antibodies, Inc.*, 802 F.2d 1367, 1384, 231 USPQ 81, 94 (Fed. Cir. 1986).

In view of the above, Applicants contend the specification adequately describes the claimed invention. Nevertheless, in order to assist the Examiner, the specification has been amended to clarify the description of the means for selecting a temporary separation mode, as recited in claim 1.

Early and favorable action with respect to this application is respectfully requested.

Should any questions arise in connection with this application or should the Examiner believe that a telephone conference with the undersigned would be helpful in resolving any remaining issues pertaining to this application the undersigned respectfully requests that he be contacted at the number indicated below.

Respectfully submitted,

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